



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

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HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

NR0009E1

-
19th Session

O. Eng.

H11-3

Brussels, January 1999.

POSSIBLE AMENDMENTS TO THE NOMENCLATURE AND THE EXPLANATORY NOTES
TO FACILITATE CITES CONTROLS

(Item II.A.8 on the Agenda)

Reference documents :

- 41.145 (RSC/16)
- 41.342 (RSC/16)
- 41.580, Annexes A/2 and D/2 (RSC/16 - Report)
- 41.593 (HSC/20)
- 41.600, Annex D, para. 4 to 8, and Annex K/2 (HSC/20 - Report)
- 41.805 (RSC/17)
- 41.920, Annex A/19 (RSC/17 – Report)
- 42.238 (RSC/18)
- 42.500, Annex A/11 (RSC/18 – Report)

I. BACKGROUND

1. The Sub-Committee at its 18th Session re-examined the question of the possible insertion of the expression “or fresh water” in the provisionally adopted subheadings 0106.12, 0208.40 and 0210.92 in order to facilitate CITES controls.
2. The Delegate of Brazil explained that certain fresh water mammals (such as the Pink Dolphin of the Amazon or Boutu (*Inia geoffrensis*) and the Amazonian Manatee (*Trichechus inunguis*) were on the verge of extinction and therefore needed to be protected. For that

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reason, it was appropriate to include “fresh water mammals” in the proposed amendments. Some delegates expressed sympathy for the Brazilian proposal. There were also some alternative proposals from the EC and the US to take care of the Brazilian concerns.

3. It was also pointed out that the English and French texts of subheadings 0106.20, 0208.50 and 0210.93 seemed to be not aligned in terms of their coverage. Therefore, the Sub-Committee agreed that the CITES Secretariat should be consulted before taking any decision on the matter (for details, delegates are requested to refer to Annex A/11 to Doc. 42.500, RSC/18 - Report).
4. Taking into account the fact that “Boutu (*Inia geoffrensis*)” and the “Amazonian Manatee (*Trichechus inunguis*)”, which were the species of concern to Brazil, were already included in pages 109 and 95 of the CITES Secretariat’s publication “Checklist of CITES Species” (1996 Edition), the Secretariat requested the CITES Secretariat to clarify whether it was appropriate to make a reference to fresh water mammals along with “marine mammals” in the texts of the aforementioned new subheadings proposed by Brazil.
5. The Secretariat also requested the advice of the CITES Secretariat on the following specific proposals before the Review Sub-Committee :
 - Marine mammals, as well as *Inia geoffrensis* and *Trichechus inunguis*
 - Mammals of the order *Cetacea* (whales, dolphins, and porpoises) and the order *Sirenia*
 - Whales, dolphins, and porpoises (mammals of the order *Cetacea*) : manatees and dugongs (mammals of the order *Sirenia*)
 - Mammals of the order *Cetacea* (whales, dolphins, and porpoises) and the order *Sirenia* (including manatees but excluding dugongs)
 - Mammals of the order *Cetacea* (whales, dolphins, and porpoises) and the order *Sirenia*, family *Trichechidae*, genus *Trichechus* (manatees).

II. NOTE FROM THE CITES SECRETARIAT

6. On 10 December 1998, the Secretariat received the following note from the CITES Secretariat :
7. “... After obtaining the comments of experts on this matter, it seems that the concerns raised by the Delegate of Brazil apply to most freshwater mammals around the world; for instance, the Irrawaddy dolphin (*Orcaella brevisrostris*), Ganges dolphin (*Platanista gangetica*), Indus dolphin (*Platanista minor*), Chinese Lake dolphin (*Lipotes vexillifer*), the dugong (*Dugong dugon*) and the African manatee (*Trichechus senegalensis*). The distribution of these species is spread over range States in Africa, Asia, Oceania and the Americas. They are often at higher risk than marine mammals.
8. The CITES Secretariat believes that it is justified, as suggested by some delegates, to clearly include freshwater mammals in the proposed amendments (--(Of) Marine and freshwater mammals in 0106.12, 0208.40, and 0210.92). Of the five choices of title proposed, the most appropriate is “Whales, dolphins, and porpoises (mammals of the order *Cetacea*) : manatees and dugongs (mammals of the order *Sirenia*)”.

9. We wish to add a few more comments. First, taxonomists have agreed that the name of the order, namely "Cetacea" and "Sirenia", should never be in italics, only the name of the genus and the species (for instance, *Platanista* spp.). Second, we would like to point out that, while in English "turtle" (ref. last paragraph of Annex B of your fax) is limited to marine organisms ("tortoise" and "terrapin" being the specific words for terrestrial and freshwater species respectively), in French "tortues" is a general name, and the word "marine" must be added to make the distinction between species living in the sea and those living on land or in freshwater...".

III. SECRETARIAT COMMENTS

Freshwater mammals

10. The CITES Secretariat indicates that the concerns raised by the Delegate of Brazil apply to most freshwater mammals around the world and that such animals are often at higher risk than marine mammals. Accordingly, the CITES Secretariat prefers to replace the texts of provisionally adopted new subheadings 0106.12, 0208.40 and 0210.92 with the following text which was proposed by the US at the 18th Session of the Sub-Committee :

"Whales, dolphins, and porpoises (mammals of the order Cetacea) : manatees and dugongs (mammals of the order Sirenia)".

11. This text has been inserted in square brackets in the provisionally adopted texts in the Annex to this document, taking into account the CITES Secretariat's comments that the name of the orders "Cetacea" and "Sirenia" should not be used in italics.

Possible misalignment between the English and French texts of subheadings 0106.20, 0208.50 and 0210.93

12. In this respect, the CITES Secretariat points out that the English term "turtle" is limited to marine organisms. However, the French term "tortues" is a general name, and the word "marine" must be added to make the distinction between species living in the sea and those living on land or in freshwater.
13. Also, according to "Harrap's Shorter French and English Dictionary", the French equivalent of the English term "turtle" is "tortue de mer". Therefore, the Secretariat concludes that there is no misalignment between the English and French texts of subheadings 0106.20, 0208.50 and 0210.93.

IV. CONCLUSION

14. Taking into account the note from the CITES Secretariat and the Secretariat comments above, the Sub-Committee is invited to examine whether the expression "marine [or fresh water] mammals" in the texts of proposed subheadings 0106.12, 0208.40 and 0210.92 should be replaced by the expression "whales, dolphins, and porpoises (mammals of the order Cetacea); manatees and dugongs (mammals of the order Sirenia)". On the basis of its decision, the Sub-Committee is requested to finalise the texts proposed in the Annex.

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Annexe au Doc. NR0009B1
Annex to
(SCR/19/mars 99)
(RSC/19/March 99)

ANNEXE

AMENDEMENTS DE LA NOMENCLATURE DECOULANT DES TRAVAUX
DU SOUS-COMITE DE REVISION DU SH
(Point II.A.8 de l'ordre du jour)

ANNEX

AMENDMENTS TO THE NOMENCLATURE ARISING FROM THE
WORK OF THE HS REVIEW SUB-COMMITTEE
(Item II.A.8 on Agenda)

PROCEDURE DE L'ARTICLE 16

AMENDEMENTS DE LA NOMENCLATURE

CHAPITRE 1.

N° 01.06.

Nouvelle rédaction :

"01.06 Autres animaux vivants.

- Mammifères :
 - 0106.11 -- Primates
 - 0106.12 -- [Mammifères marins [ou d'eau douce]] [Baleines, dauphins et marsouins (mammifères de l'ordre des cétacés); lamentins et dugongs (mammifères de l'ordre des siréniens)]
 - 0106.19 -- Autres
 - 0106.20 - Reptiles (y compris les serpents et les tortues de mer)
- Oiseaux :
 - 0106.31 -- Oiseaux de proie
 - 0106.32 -- Psittaciformes (y compris les perroquets, perruches, aras et cacatoès)
 - 0106.39 -- Autres
 - 0106.90 - Autres".

CHAPITRE 2.

N° 0208.90.

Nouvelle rédaction :

- "0208.30 - De primates
- 0208.40 - De [mammifères marins [ou d'eau douce]] [baleines, dauphins et marsouins (mammifères de l'ordre des cétacés); lamentins et dugongs (mammifères de l'ordre des siréniens)]
- 0208.50 - De reptiles (y compris les serpents et les tortues de mer)
- 0208.90 - Autres".

N° 0210.90.

Nouvelle rédaction :

- "
 - Autres, y compris les farines et poudres, comestibles, de viande ou d'abats :
 - 0210.91 -- De primates
 - 0210.92 -- De [mammifères marins [ou d'eau douce]] [baleines, dauphins et marsouins (mammifères de l'ordre des cétacés); lamentins et dugongs (mammifères de l'ordre des siréniens)]
 - 0210.93 -- De reptiles (y compris les serpents et les tortues de mer)
 - 0210.99 -- Autres".

ARTICLE 16 PROCEDURE
AMENDMENTS TO THE NOMENCLATURE

CHAPTER 1.

Heading 01.06.

Delete and substitute :

"01.06 Other live animals.

- Mammals :
- 0106.11 -- Primates
- 0106.12 -- [Marine [or fresh water] mammals] [Whales, dolphins, and porpoises (mammals of the order Cetacea); manatees and dugongs (mammals of the order Sirenia)]
- 0106.19 -- Other
- 0106.20 - Reptiles (including snakes and turtles)
- Birds :
- 0106.31 -- Birds of prey
- 0106.32 -- Psittaciformes (including parrots, parakeets, macaws and cockatoos)
- 0106.39 -- Other
- 0106.90 - Other".

CHAPTER 2.

Subheading 0208.90.

Delete and substitute :

- "0208.30 - Of primates
- 0208.40 - Of [marine [or fresh water] mammals] [whales, dolphins, and porpoises (mammals of the order Cetacea); manatees and dugongs (mammals of the order Sirenia)]
- 0208.50 - Of reptiles (including snakes and turtles)
- 0208.90 - Other".

Subheading 0210.90.

Delete and substitute :

- " - Other, including edible flours and meals of meat and meat offal :
- 0210.91 -- Of primates
- 0210.92 -- Of [marine [or fresh water] mammals] [whales, dolphins, and porpoises (mammals of the order Cetacea); manatees and dugongs (mammals of the order Sirenia)]
- 0210.93 -- Of reptiles (including snakes and turtles)
- 0210.99 -- Other".

CHAPITRE 95.

N° 95.08.

Nouvelle rédaction :

**“95.08 Manèges, balançoires, stands de tir et autres attractions foraines;
 cirques ambulants et ménageries ambulantes; théâtres ambulants.**

9508.10 - Cirques ambulants et ménageries ambulantes
9508.90 - Autres”.

CHAPTER 95.

Heading 95.08.

Delete and substitute :

**“95.08 Roundabouts, swings, shooting galleries and other fairground
amusements; travelling circuses and travelling menageries; travelling
theatres.**

- 9508.10 - Travelling circuses and travelling menageries
 - 9508.90 - Other”.
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